

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 10799 OF 2022

Sohan Madhukar Nikam. ... Petitioner.

V/s.

State of Maharashtra and others. ... Respondents.

Mr.Rahul S. Kadam for the Petitioner.

Mr.M.M.Pabale, AGP for Respondent No.1 - State.

Mr.Kedar Dighe with Ms.Archana Gaware for Respondent No.2.

SANJAY
KASHINATH
NANOSKAR

Digitally signed by
SANJAY KASHINATH
NANOSKAR
Date: 2024.01.22
16:28:18 +0530

**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 15 January 2024.

P.C. :

Heard the learned counsel for the parties.

2. The Petitioner has sought several prayers, the main one is that the Petitioner be given promotion to the post of Executive Engineer (Environment) in the Respondent- Corporation.

3. Currently, the Petitioner is not working in the Environment Department but is working as Civil Engineer. For the Petitioner to get promotion to the post of Executive Engineer

(Environment), the Petitioner will have to be shifted to the Environment Department and thereafter to participate in the said process. As regards the writ of mandamus to shift the Petitioner to the Environment Department is concerned, such a direction is not possible as it is the matter of internal administration. According to the Petitioner, earlier the Petitioner could have competed and promoted to the post of Executive Engineer (Environment) from the post which is currently held by him, however, in view of change in Rules, the Petitioner cannot now be considered.

4. Considering that the post of Executive Engineer (Environment) is a promotional post for which the process will have to be initiated by the Respondent- Corporation, it is put to the learned counsel for the Respondent- Corporation whether the process for promotion to the post of Executive Engineer (Environment) is in contemplation currently. The learned counsel for the Respondent- Corporation states that it is not in contemplation at this stage and when the promotion to the post of Executive Engineer (Environment) would be under consideration, due intimation thereof would be issued and upon such intimation being issued, the Petitioner can always apply for the same and it is for the Respondent- Corporation to take necessary decision whether the Petitioner is eligible. In such a case, if the Petitioner is held ineligible because of the change in Rules, then cause of action would arise for the Petitioner.

5. Therefore, at present, the claim of the Petitioner that he should be considered for the promotion to the post of Executive Engineer (Environment) is premature.

6. With this clarification, writ petition is disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)